

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

File No. 1:04-CR-165

v.

HON. ROBERT HOLMES BELL

JANET MAVIS MARCUSSE,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on Defendant Janet Mavis Marcusse's "Claim for Transcripts" (Docket #327). It appears that Defendant is requesting the production of the contents of a grand jury proceeding. Defendant is apparently requesting this disclosure pursuant to FED. R. CRIM. P. 6(e)(3)(E). The Supreme Court has held that the secrecy of the grand jury may be broken under Rule 6(e)(3)(E) when the party seeking disclosure demonstrates a "particularized need" for the grand jury material. *Douglas Oil Co. of Calif. v. Petrol Stops Northwest*, 441 U.S. 211, 222 (1979). Under Rule 6(e)(3)(E) the Court may authorize disclosure "at the request of a defendant who shows that a ground may exist to dismiss the indictment because of a matter that occurred before the grand jury." FED. R. CRIM. P. 6(e)(3)(E). Defendant has failed to demonstrate a "particularized need" for disclosure of matters occurring before the grand jury.

To the extent Defendant is requesting certain testimony from a grand jury proceeding, she has a right to such material only after a government witness has testified on direct examination and only to the extent that such material relates to the subject matter of the testimony of the witness. *See* 18 U.S.C. § 3500(b).

IT IS HEREBY ORDERED that Defendant's "Claim for Transcripts" (Docket #327) is **DENIED**.

Dated: May 12, 2005

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE